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2004 JUN 28 P 2:49

U.S. DISTRICT COURT
DISTRICT OF MASS.

TO: Tony Anastas, Clerk
U.S. District Court
1 Courthouse Way, Suite 2300
Boston, MA. 02210

RE: Clark v. Pepe, et al.
C.A. No. 99-cv-12659-JLT

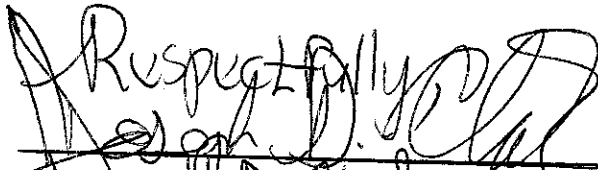
June 18, 2004

Dear Clerk Anastas:

Kindly find my one Motion Addressed to
your Court and I will appreciate your filing
of such for the record.

Plaintiff's Motion Requesting The Right To Address The Court
Concerning The Dismissal Of His Suit Since Learning About
It For The First Time Today When Mail Was handed To Him
By Prison Guard That Clerk Of This Court Sent In The Manner
Of Docket Entry Sheet Form.

Thank you Clerk!

Respectfully,

Joseph D. Clark W-45354
Pro'se Plaintiff

CC: Margaret S. Melville, Counsel

United States District Court

For The

District Of Massachusetts

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Joseph D. Clark
Plaintiff,

Civil Action
No. 99-12659-JLT

v.

Peter A. Pepe, et al,
Defendants.

Plaintiff's Motion Requesting The
Right To Address The Court
Concerning The Dismissal Of His
Suit Since Learning About It
For The First Time Today
When Mail Was handed To Him
By Prison Guard That Clerk
Of This Court Sent In The
manner Of Docket Entry
Sheet Form.

Now^{comes} the plaintiff, Joseph D. Clark,

in the above-entitled civil case and respectfully asks the Court to allow him the Right to address this Court concerning the Dismissal of his lawsuit that was entered on 7/29/02 for which plaintiff is just now being notified that this is so.

Plaintiff first begin by informing the Court what has occurred in this case is "exactly" the same thing that happened with his other case that was once before this Court, got dismissed then recently Re-instated by Order of the Appeals Court on May 25, 04, and even assigned to different Judge Your Honor, (Mark L. Wolf).

The case is CA No. 00-cv-11314-JLT, which JLT has been changed to (MLW).

The dirty tactics played by the defendants whom are prison guards is primarily why the suits got dismissed for **(want of prosecution)** because they never gave me the letters which Your Clerk said it sent informing me that motion for Counsel was allowed in one case C.A. No. 00-cv-11314 JLT and denied in the other C.A. No. 99-12659 JLT.

Only notification that I received was ~~last~~ year, when dismissal was given on case that has now been re-instated by said Appeals Court that bring C.A. No. 00-cv-11314 MLW.

The other factor which lead to the dismissals, were this Court's own initiation in implementing the dismissal for **(want of prosecution)** for one of inaction on my part

but this Court did so without giving this learning pro'se Plaintiff notice to move the case along or suffer said dismissal. When all along this plaintiff truly did not know that irregardless of counsel being appointed (or) not, he still must proceed with prosecuting the case, and because plaintiff didn't know, the Appeals Court has now given him second breath which I now shall adhere ~~to~~ to with great conformity.

Now the main basis of addressing this Court lies with the need to have the Court know that instead of me ~~just~~ wasting the Court's valuable time as well as the tax payers' financial

burden in bringing this matter to the attention of the Appeals Court as in the previous established C.A. No. 00-cv-11314 MLW, I will spare that burden only because since the inception of this suit, the portions of the meal trays have dramatically improved to where at present moment no need is constituted to bring claim under 8th Amendment violation of cruel and unusual punishment using food as a means of punishment. The significant increase in portions have been on going for over 2 years now.

I do not take lightly the food deprivation that was occurring when I first filed this suit nor do I prefer to let the defendants get away with what they've done to me, but

because I still remain unskilled with doing legal work and am tremendously engaged with other matter which is of greater significance, and I don't have a firm or counsel to aid still. Indigent person, I cannot afford to detract from the now re-instated Excessive Use Of Force case and ~~pending~~ other pending state issues too.

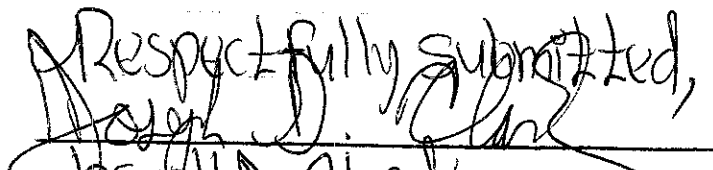
I truly would pursue this matter to Appeals Court with Counsel's assistance, but since none can be given and my being so overly occupied with tremendous case load of work as still learning pro se litigant, I'm forced to out this one.

In concluding, I want to point out to the Court, that my aim in this address was to

bring the understanding behind
the way these prison guards
and/or officials went about
holding my letters sent by Clerk
to inform me of Rulings
issued by you whereby after
all the 3 plus years since you
denied my motion for appointed
counsel on 8/8/2000 and
close to 2 years when you dismissed
this suit on 7/29/02 I am
just now learning of such.

I Thank the Court grandly for
allowing me this bit of time to
express the factors that have
occurred behind what truly led
my case being disposed of.

Dated: 6/18/04

Respectfully submitted,

Joseph D. Clark
Pro'se Plaintiff